



**RCA  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 20  
AGENDA DATE: Thu 03/02/2006  
PAGE: 1 of 1**

**SUBJECT:** Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Bergstrom International Airport Noise Mitigation Program to acquire fee simple title to (A.) Lot One-A, Resubdivision of Lot One, Bergstrom Village Number One Amended, an Addition in Travis County, Texas, according to the map or plat recorded in Volume 74, Page 97 of the Plat Records of Travis County, Texas and (B.) Lots A, B, C, D, and E, Bergstrom Village Number Four, an Addition in Travis County, Texas, according to the map or plat recorded in Volume 79, Page 387, of the Plat Records of Travis County, Texas, in the amount of \$2,600,000. The total area needed is about 3.82 acres. The owner of the needed property interest is the DEREK S. LIN FAMILY LIMITED PARTNERSHIP, a Texas Limited Partnership. The property is located at 2525 Highway 71 East, Del Valle, Texas and is also known as Silverstone Inn.

**AMOUNT & SOURCE OF FUNDING:** Funding is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Aviation Department using airport funds and available Federal Aviation Administration (FAA) Grants.

**FISCAL NOTE:** A fiscal note is attached.

**REQUESTING** Public Works  
**DEPARTMENT:**for Aviation;

**DIRECTOR'S**  
**AUTHORIZATION:** Sondra Creighton

**FOR MORE INFORMATION CONTACT:** Lauraine Rizer, 974-7078; Laura Bohl, 974-7064

**PRIOR COUNCIL ACTION:** 09/09/99 - Federal Aviation Regulations (FAR) Noise Study; 08/23/01 - Consultant Selection for Noise Mitigation Program.

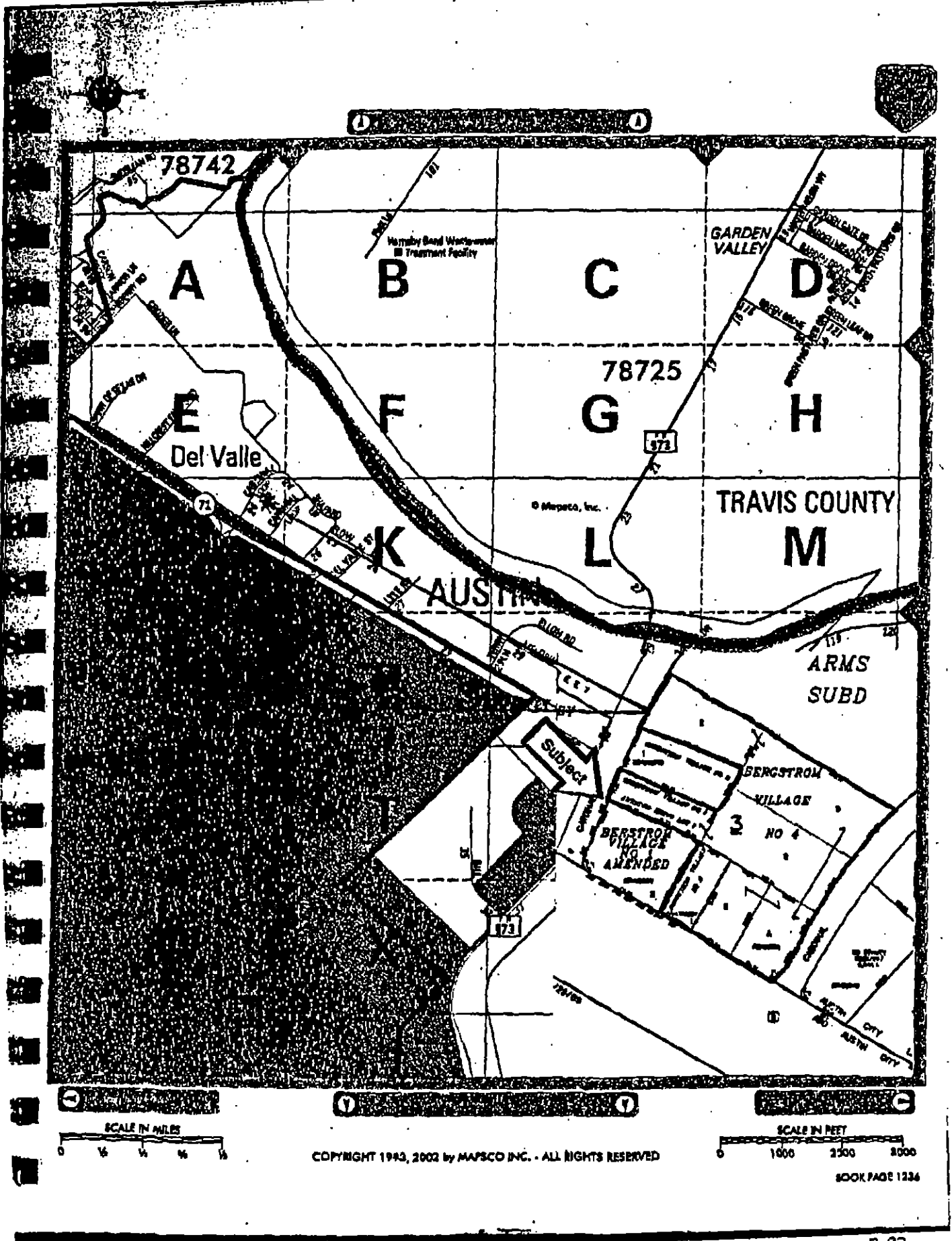
**BOARD AND COMMISSION ACTION:** Recommended by the Airport Advisory Commission.

---

The property and commercial lodging facility located at 2525 Highway 71 East and known as Silverstone Inn is a part of the approved Austin Bergstrom International Airport Noise Mitigation Program. The purpose of the program is to reduce noise impacts to the public and ensure land use compatibility within the airport vicinity.

The lots to be acquired total approximately 3.82 acres and the improvements include four 3-story apartment/extended stay buildings and a one-story office and laundry building. The market value of the property including improvements is \$2,600,000, as determined by an independent appraiser. The owners have countered with \$5,014,296.

The City of Austin has attempted to purchase the needed property interests from the landowner; however, the parties have been unable to agree on an appropriate price. The City of Austin Law Department is requesting authorization to file a suit in eminent domain on behalf of the City of Austin and the Federal Aviation Administration.



## CIP BUDGET FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:  
WHERE ON AGENDA:  
DEPARTMENT:

2-Mar-06  
Resolution  
Aviation

Description: Authorize the filing of eminent domain proceedings to acquire the fee simple interest in Tract One: Lot One-A (1-A), Resubdivision of Lot One (1), Bergstrom Village Number One Amended, an Addition in Travis County, Texas, according to the map or plat thereof recorded in Volume 74, Page 97 of the Plat Records of Travis County, Texas and in Tract Two: Lot A, B, C, D, and E, Bergstrom Village Number Four, an Addition in Travis County, Texas, according to the map or plat thereof recorded in Volume 79, Page 387, of the Plat Records of Travis County, Texas, located at 2525 Highway 71 East, Del Valle, TX, from DEREK S. LIN FAMILY LIMITED PARTNERSHIP, in the amount of \$2,600,000.

### FINANCIAL INFORMATION:

Project Name:	Noise Mitigation
Project Authorization:	2005-06 Capital Budget
Funding Source:	Airport Capital Fund
	Discretionary grants
Fund/Agency/Orgrn:	4910-817-3080

Current Appropriation	\$ 5,395,000
Unencumbered Balance	4,967,313
Amount of this Action	<u>(2,600,000)</u>
Available Balance	\$ 2,367,313

Finance: \_\_\_\_\_

*Barbara Hyde*

Date: \_\_\_\_\_

*2-7-06*

**AUSTIN AIRPORT ADVISORY COMMISSION**  
**Record of Action**

**DATE:** February 21, 2006

**AGENDA ITEM: 4d) - Approval of RCA - Authorize the filing of eminent domain proceedings to acquire the fee simple interest in Tract One: Lot One-A (1-A), RESUBDIVISION OF LOT ONE (1), BERGSTROM VILLAGE NUMBER ONE AMENDED, an Addition in Travis County, Texas, according to the map or plat thereof recorded in Volume 74, Page 97 of the Plat Records of Travis County, Texas and in Tract Two: Lot A, B, C, D, and E, BERGSTROM VILLAGE NUMBER FOUR, an Addition in TRAVIS County, Texas, according to the map or plat thereof recorded in Volume 79, Page 387, of the Plat Records of TRAVIS County, Texas, located at 2525 Highway 71 East, Del Valle, Texas 78617 from Derek S. Lin Family Limited Partnership, in the amount of \$2,600,000.**

**MOTION BY:** Carolyn Lowe

**SECOND BY:** Scott Madole

**MOTION:** To approve

MEMBER'S NAME	FOR	AGAINST	ABSTAIN	ABSENT
Richard Hatfield	X			X
Bradford Hughes				
Carolyn Lowe	X			
Scott Madole	X			
Hannah Riddering		X		
Bettye J. Taylor				X
Michael Voticky				
Phil Williams	X			
<b>TOTALS:</b>	<b>For: 4</b>	<b>Against: 1</b>	<b>Abstain: 0</b>	<b>Absent: 2</b>

**RECORDED BY:** Hannah Riddering

\* Hannah Riddering voted against this item based on queasiness about eminent domain.

**RESOLUTION NO. 20060302-0**

**WHEREAS**, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire fee simple title to a certain real property for public purposes as set out below; and

**WHEREAS**, the City of Austin has attempted to purchase the needed real property but has been unable to agree with the owner on the fair market value thereof; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owner now having, or who may acquire, an interest in the real property needed by the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to economically effect the needed acquisition.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owner:       Derek S. Lin Family Limited Partnership

Project:       Austin Bergstrom International Airport Noise Mitigation  
Program

Intended Purpose: reduce noise impacts to the public resulting from

aircraft take off and landing and other activities at the Austin Bergstrom International Airport and ensure land use compatibility within the airport vicinity.

Location: 2525 Highway 71 East, Del Valle, Texas

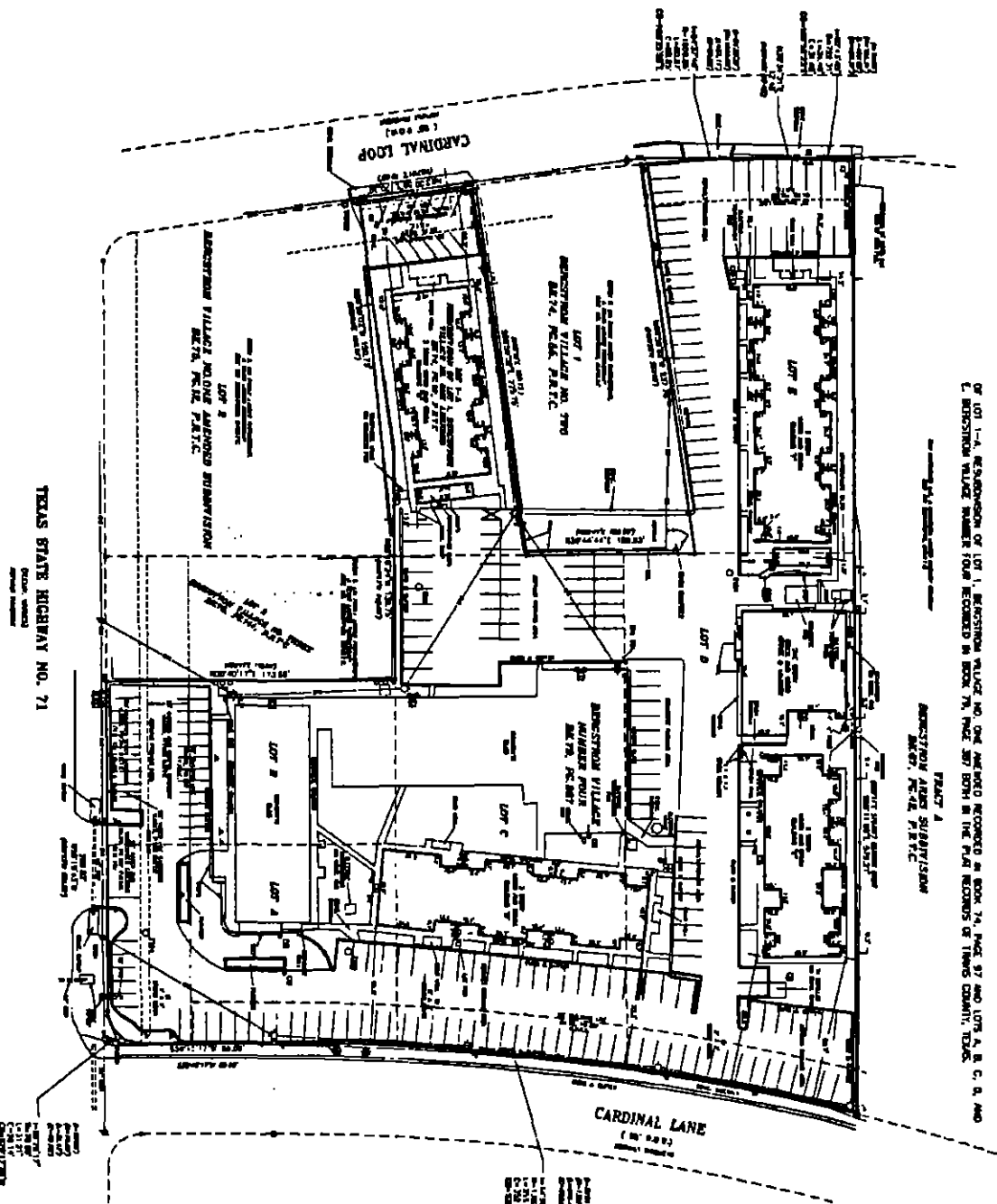
Property: (A.) Lot One-A (1-A), Resubdivision of Lot One (1), Bergstrom Village Number One Amended, an Addition in Travis County, Texas, according to the map or plat recorded in Volume 74, Page 97 of the Plat Records of Travis County, Texas and  
(B.) Lots A, B, C, D, and E, Bergstrom Village Number Four, an Addition in Travis County, Texas, according to the map or plat recorded in Volume 79, Page 387, of the Plat Records of Travis County, Texas, as further described in the attached survey.

ADOPTED: March 3, 2006

ATTEST: \_\_\_\_\_  
Shirley A. Gentry  
City Clerk

OF LOT 1-A, RESUBDIVISION OF LOT 1, BENTONIA TOWNSHIP NO. ONE AND ALSO RECORDED IN BOOK 74, PAGE 97 AND LOTS A, B, C, D, AND  
E, BENTONIA TOWNSHIP NO. ONE AND ALSO RECORDED IN BOOK 74, PAGE 97 BOTH IN THE PLAT RECORDS OF TRENT COUNTY, ILLINOIS.

FORESTHOM AIRMS SUBDIVISION  
BAYVIEW, N.E. 1/4, P.R.C.



**TEXAS STATE HIGHWAY NO. 71**

CARDINAL LANE  
(10-20-72)

LAND TITLE SURVEY  
SILVERSTONE INN

**THC  
INCORPORATED**

SHEET NO  
1  
OF 1

